

## SELF SERVICE CENTER

### PROCEDURES: HOW TO FILE AN ANSWER/RESPONSE TO A PATERNITY PETITION

#### IMPORTANT INFORMATION ABOUT WHEN YOU MUST FILE YOUR RESPONSE:

- **Look at the timetable below.** If the last day to respond falls on a Saturday, Sunday, or legal holiday, you DO NOT count that day.
- **Include weekends and holidays in your count** until you reach the number of days in the TimeTable below. If you file a written Answer/Response with the court on time, the Petitioner **CANNOT PROCEED BY DEFAULT.**

DEFAULT TIME TABLE		
SERVICE BY	COUNT	EVENT
Acceptance	20 Days	after Respondent signed the Acceptance
Acceptance out-of-state	30 Days	after Respondent signed the Acceptance
Process Server	20 Days	after Respondent received papers from Server
Sheriff in Arizona	20 Days	after Respondent received papers from Sheriff
Sheriff out-of-state	30 Days	after Respondent received papers from Sheriff
Publication	64 Days	after the 1st date of publication

#### INFORMATION ABOUT PAPERS YOU SHOULD HAVE RECEIVED FROM THE OTHER PARTY WITH THE PATERNITY PETITION:

**SUMMONS:** You have been summoned to appear in Court. The Summons tells you how many calendar days you have to file an Answer/Response, depending on how you were served with the court papers. Be sure to file a WRITTEN ANSWER/RESPONSE on time. If the time for you to file a WRITTEN ANSWER/RESPONSE has passed, the other party must complete an **Application and Affidavit for Entry of Default** and send you a copy. You then have ten (10) more days from the date the Application was filed with the Clerk of the Court to file your WRITTEN ANSWER/RESPONSE. (This is **not** ten days from the date you receive the Application.) If you do not file a WRITTEN ANSWER/RESPONSE ON TIME a default judgment can be entered, which means that you will not get to tell the judge your side of the story.

#### PETITION FOR PATERNITY, CHILD CUSTODY, CHILD PARENTING TIME, AND

**CHILD SUPPORT:** This is the form the other party completed to tell the Court his or her side of the story about the children, pregnancy, child support, child parenting time, and child custody. **Read each and every word very carefully**, and decide what you want to do. Here are your choices:

1. **Do nothing.** This means the other party can get a court order and tell the judge his or her side of the story, without you telling your side at all. **This is called a default.** Even in these cases, the judge will try to decide what is best, but it is never a good idea to ignore the court proceeding and have a court order that you had no input on. You should talk to a lawyer before you decide to "do nothing."
2. **Agree. Decide with the other party** how you want to handle everything about the children, pregnancy, child support, child parenting time, and child custody. Then you and the other party file papers in the court stating your agreement on everything. This is called a **Consent or Stipulation**. This is often the best way to proceed, if you and the other party can talk about the critical issues to decide how you both want to handle everything. Mediators can help you with this, and the Self-Service Center has a list of mediators, and how much they charge to help you.

3. **Disagree** with what the other party said in the Petition, and file an Answer/Response stating your side of the story, and how you want to handle everything. **This is called a contested matter.** However, even if you file an Answer/Response, you and the other party can still decide to agree on something, or everything, and file court papers for a **Consent or Stipulation.** Mediators can help you with this, and the Self-Service Center has a list of mediators, and how much they charge to help you. If you file an Answer/Response and do not settle everything with the other party, you must be sure to file the court papers you will need to set the case for trial.

## **WHAT TO DO NEXT:**

1. **COPIES OF RESPONSE:** After completing your **“Response,”** make **two (2)copies** before you file.
2. **FILING THE RESPONSE AND PAYMENT OF COURT FEE:** File both copies and the original of your **“Response”** with the Clerk of the Court. **Be sure you file within the time limit set, or you might lose significant rights.** There is a filing fee of **\$231.00**, but if you qualify you might be able to have the fees deferred so that you can make a payment arrangement with the Court. Forms to request deferral are available at the Self-Service Center or at the filing counter. You do **not** need to send a copy of the fee deferral request to the Petitioner or his/her attorney. Make sure you receive both (2) copies back from the Clerk and they have been stamped.
3. **MAIL A COPY TO THE OTHER PARTY:** You need to mail or hand-deliver one copy to the other party. If the person is represented by an attorney, mail or hand-deliver the copy to the attorney whose name and address appears on the Petition in the upper right hand corner.
4. **KEEP THE LAST COPY FOR YOUR RECORDS:** You should always keep a copy of any document that you file with this Court.